

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**KRISTINA GARCIA,**

Plaintiff,

v.

CASE NO.: 2:19-cv-11673

District Judge Linda V. Parker

**Beaumont Health and RACHEL LUCA,**

Magistrate Judge David Grand

Defendant.

---

**Lisa C. Ward (P38933)**

Attorney for Plaintiff

Law Office of Lisa C. Ward, PLLC

4131 Okemos Rd., Ste. 12

Okemos, MI 48864

(517) 347-8100

lisacwardlaw@gmail.com

**Eric J. Pelton (P40635)**

**Shannon V. Loverich (P53877)**

Attorneys for Def. Beaumont Health

Kienbaum Hardy Viviano

Pelton & Forest, PLC

280 N. Old Woodward Ave., Suite 400

Birmingham, MI 48009

(248) 645-0000

epelton@khvpf.com

sloverich@khvpf.com

---

**PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT  
AND BRIEF IN SUPPORT**

Plaintiff, Kristina Garcia, by and through her attorney, Lisa C. Ward, Law Offices of Lisa C. Ward, PLLC, hereby moves this Honorable Court to enter a default judgment against Defendant, Rachel Luca, in the above-referenced case. In support of this motion, Plaintiff states as follows:

1. On June 6, 2019, Plaintiff filed a three count Complaint And Jury Demand against Defendants, Beaumont Health and Rachel Luca. (ECF 1). In her Complaint, Plaintiff alleged Defendants engaged in sex discrimination, sexual orientation discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e *et seq.*
2. On March 6, 2020, this Court issued an Opinion and Order Granting in Part and Denying in Part Plaintiff's October 8, 2019 Motion to Amend Complaint. Pursuant to the Order, Plaintiff filed a First Amended Complaint and Jury Demand on March 11, 2020 to include a retaliation claim under ELCRA against Beaumont Health and Rachel Luca. (ECF 26).
3. In light of Plaintiff's Amended Complaint and Jury Demand, this Court entered an Order on March 26, 2020 requiring service of the amended complaint on Defendant Rachel Luca within thirty (30) days of the Order. (ECF 31).
4. On April 7, 2020, due to the global pandemic and the Michigan Governor's declaration of a state of emergency, Plaintiff filed a Motion To Extend The Deadline For Service On Defendant Luca And Brief In Support. (ECF 32).

5. This Court entered a text-only Order Granting Plaintiff's motion on April 8, 2020, ordering Plaintiff to serve Plaintiff's Amended Complaint and Jury Demand on Defendant Luca and file a proof of service within thirty days of Michigan's stay-at-home order being lifted.
6. On June 9, 2020, Plaintiff personally served a copy of the Complaint and Summons In A Civil Action on Rachel Luca. Plaintiff filed a copy of the Proof of Service with this Court on June 15, 2020. (ECF 41).
7. When Defendant Luca failed to plead or otherwise defend this case, on July 13, 2020 a Clerk's Entry of Default was entered in this matter. (ECF 44).
8. Pursuant to Fed. R. Civ. P. 55(b)(2), this Court has the authority to enter a default judgment after it has determined the amount of damages owed by Defendant Luca. Attached to Plaintiff's Motion for Default Judgment is an affidavit of Plaintiff outlining the economic and emotional distress damages she has suffered as a result of Defendant Luca's unlawful discrimination and retaliation. (Exhibit 1). In her Amended Complaint and Jury Demand, Plaintiff also requested equitable relief in the form of an injunction prohibiting any further acts of retaliation or discrimination, including an award of interest, costs, and reasonable attorney's fees, and whatever other equitable relief appears appropriate at the time of trial. (ECF No. 28, PageID.157).

**WHEREFORE**, pursuant to Fed. R. Civ. P. 55(b)(2), Plaintiff requests that this Honorable Court grant Plaintiff's motion and enter a default judgment against Defendant Luca in the amount of \$338,077.56.

Respectfully Submitted,

Dated: July 30, 2020

/s/ Lisa C. Ward  
Lisa C. Ward (P38933)  
Attorney for Plaintiff  
Law Offices of Lisa C. Ward, PLLC  
4131 Okemos Road, Suite 12  
Okemos, Michigan 48864  
(517) 347-8100  
lisacwardlaw@gmail.com

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**KRISTINA GARCIA,**

Plaintiff,

v.

CASE NO.: 2:19-cv-11673

District Judge Linda V. Parker

**Beaumont Health and RACHEL LUCA,**

Magistrate Judge David Grand

Defendant.

---

**Lisa C. Ward (P38933)**

Attorney for Plaintiff

Law Office of Lisa C. Ward, PLLC

4131 Okemos Rd., Ste. 12

Okemos, MI 48864

(517) 347-8100

lisacwardlaw@gmail.com

**Eric J. Pelton (P40635)**

**Shannon V. Loverich (P53877)**

Attorneys for Def. Beaumont Health

Kienbaum Hardy Viviano

Pelton & Forest, PLC

280 N. Old Woodward Ave., Suite 400

Birmingham, MI 48009

(248) 645-0000

epelton@khvpf.com

sloverich@khvpf.com

---

**PROOF OF SERVICE**

I, Polina Hristova, hereby certify that on July 30, 2020, I electronically filed the foregoing document, and this Proof of Service, with the Clerk of the Court using the Court's electronic filing system, which will send notification to all parties.

Dated: July 30, 2020

/s/ Polina Hristova

Polina Hristova

*Legal Assistant*